

Notice of Allowability

Application No.

09/934,156

Examiner

Cheyne D. Ly

Applicant(s)

RIGNEY, DAVID ROTH

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to April 17, 2007.
2. ☒ The allowed claim(s) is/are 1.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date June 29, 2007.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Rigney (Pro se) on June 29, 2007.

The application has been amended as follows:

IN CLAIM 1

2. Line 3, delete "considered"; insert therefor --characterized--
3. Line 5, after "arranged in" delete "the"; insert therefor --an--
4. Lines 19-21, delete "means for running a publicly available computer program known as Rainbow, the running of which is used as a means for annotating the group of subsets of genes know as clusters in (b)"; insert therefor --means for annotating the group of subsets of genes know as clusters in (b) by the Rainbow computer program,--
5. Line 23, delete "considered"; insert therefor --characterized--
6. Line 28, after "compendium of text" delete "that was".
7. Line 29, after "the process" delete "those"; insert therefor --said--
8. Line 30, after "text in all" delete "those"; insert therefor --said--
9. Line 32, delete "aforementioned".
10. Line 46, after "and said" delete "storage"; insert therefore --storing--
11. Line 47, delete "display allowing"; insert therefore --displaying the pruned--

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12. Line 47, after "in (b)" delete "to be".
13. Line 48, after "arranged in" delete "the".
14. Line 48, after "order" delete "of their".
15. Line 49, after "greatest numerical weights" insert --arranged in the descending order--
16. Line 51, after "cluster in (b) is most" delete "particularly".
17. Line 52, after "associated" insert --with said cluster,--
18. Line 53, after "individually" delete "considered"; insert therefor --characterized--

REASON FOR ALLOWANCE

19. The prior art of record fails to teach or suggest the claimed invention individually or in combination the limitations for a system for annotating a group of subsets of genes as specified by steps (a) – (f) wherein the annotation is performed by the Rainbow computer application as set forth in claim 1.

20. The closest prior art, Andrade et al. taken with McCallum, describes a system for annotating a group of genes. However, Andrade et al. taken with McCallum do not teach or suggest the limitations cited above as being free of any prior art when read in the claims as a whole.

CONCLUSION

21. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of

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document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

22. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

C. Dune Ly
Patent Examiner
7/2/07

